

September 3, 2003

Docket Management System
US Department of Transportation
Room - Plaza 401
400 – Seventh Street, SW
Washington, DC 20591

Re: Notice of Proposed Rulemaking (NPRM), Docket No. FAA 2003-15085;
Notice No. 03-08, Hazardous Materials Training Requirements

Dear Sir or Madam:

This letter includes comments from Delta Air Lines in reference to the Notice of Proposed Rulemaking (NPRM) for Notice No. 03-08, Hazardous Materials Training Requirements.

Training Cycle to Accommodate Carriers in an Approved AQP Program

Delta Air Lines is approved under SFAR58 - Advanced Qualification Program (AQP) as an alternate method of qualifying, training, certifying, and otherwise ensuring the competency of flight crewmembers. The AQP training program provides flexibility, a higher quality of training and appropriate safeguards allowing an increase in the time intervals between training sessions. The SFAR also encourages carriers to use new and innovative methods of training. The hazardous materials training cycle of 12 months required by FAR 121.433a. may be amended only through a separate approval process as outlined in AC 120-54, “Advanced Qualification Program.”

Delta submits the additional highlighted language to the proposed SFAR 99 5(a) as follows:

5. Training requirements: Handling and carriage of hazardous materials under part 121.
 - (a) No certificate holder conducting operations under part 121 of this chapter may use any person to perform and no person may perform, any assigned duties and responsibilities for the handling or carriage of hazardous materials governed by 49 CFR, unless within the past year **or within the time period specified in an Advanced Qualifications Program approved under SFAR 58 in 14 CFR part 121 unless** that person has satisfactorily completed training in a program established and approved under this SFAR, which includes instructions regarding the proper packaging, marking, labeling, and documentation of hazardous materials, as required by 49 CFR, and instructions regarding their compatibility, loading, storage, and handling characteristics. A person who satisfactorily completes training in the calendar month before, or the calendar month after, the month in which it becomes due, is considered to have taken that training during the month it became due.

Comments for the Proposed Subpart Y:

Delta submits the additional highlighted language to the proposed Subpart Y as follows:

121.801 (b)(3) Recurrent hazardous materials training--The **recurrent** training required for each person who has satisfactorily completed the certificate holder's approved initial hazardous materials training program and performs or supervises any of the functions specified in paragraph (a) of this section.

121.803 (d) Recurrent hazardous materials training--Completion date. A person who satisfactorily completes recurrent hazardous materials training in the calendar month before, or the calendar month after, the month in which the recurrent training is due, **or within the time period specified in an Advanced Qualifications Program approved under SFAR 58 in 14 CFR part 121** is considered to have taken that training during the month in which it is due. If the person completes this training earlier than the month before it is due, the month of the completion date becomes his or her new anniversary month.

Comparison Of Appendix N And The ICAO Recommended Training Curriculum

Delta Air Lines has reviewed the proposed training curriculum and compared it against the ICAO training matrix on page 1-4-2 of the 2003-2004 edition. Depending on the interpretation of "Persons responsible for cargo during flight" will directly impact the modules each pilot, dispatcher and flight attendant will require. Since all pilots must at least have knowledge of cargo on board and drill codes associated with HAZMAT, it looks to be more stringent in the proposed Appendix N than the current ICAO or IATA recommendations. A direct comparison of the ICAO training matrix and the proposed Appendix N indicates that pilot crewmembers, dispatchers and flight attendants will be required to receive hazardous goods acceptance, packaging and document training which is not required in the corresponding ICAO document.

The "Discussion text" of the proposed NPRM also contradicts language of proposed "Appendix N" of the Notice of Proposed Rulemaking. The discussion text states "a flight crewmember *may* need to have training in acceptance of cargo if he or she performed any task relevant to that function." However, Appendix N of the proposed document states, "An 'X' in a box under a category of persons indicates that the specified category *must* receive the noted training." Under Table 1 the "key" indicates the modules which an individual must receive training. Item 5 of the key indicates the training a person must receive if they have responsibility for cargo during flight. Item 6 indicates the training modules a person must complete if they have "no responsibility" for the items listed in the table. Without a definition of what "Persons responsible for cargo during flight" we can only draw the conclusion that having responsibility for knowing what is on board and being able to deal with emergency drill codes places a flight crews and dispatchers "in category 5 of appendix N table 1. .

Major airlines such as Delta Air Lines are experienced dangerous goods shippers with designated cargo handlers who have extensive training in the acceptance and shipping of

hazardous materials. Therefore, flight crewmembers, dispatchers or flight attendants would not perform any task or any of the associated functions relevant to the acceptance of hazardous materials, yet the proposed Appendix N would require this training. This additional training would not improve public safety beyond the existing ICAO requirements and would not be in the best interest of the public due to the increased cost of training personnel who would not be performing any of the additional tasks required by the matrix.

Delta proposes use of language set forth in the existing ICAO and IATA recommendations in order to regulate the training curriculum in Appendix N. Under the Convention on International Civil Aviation, it is FAA policy to comply with ICAO Standards and Recommended Practices to the maximum extent practicable. The use of the ICAO and IATA recommendations as currently written is consistent with these efforts. At a minimum there needs to be clear guidance in this regulation that would allow training to be directly related to the tasks that the individual is responsible for.

Training Media

There is not clear guidance to allow an air carrier to use advanced media for instructional delivery as encouraged by SFAR 58. The records section indicates that an instructor must be designated as part of the training record. This seems to exclude the use of home study, Internet based training and other advanced media presentations along with electronic exams.

Delta proposes that this regulation clearly reflect the authority to use computer based and other advanced instructional delivery methods.

Record Keeping

Storage:

Proposed paragraph (b) would require that these records be maintained at the current location the trained person performs or supervises the TRF. This could be interpreted that pilot HAZMAT training records must be kept at their domicile or even onboard the aircraft. The proposed regulation does not take into account that cargo handlers may be temporally stationed at various locations depending on personnel needs. An example of this was recent CRAF operations which required Delta to temporarily assign personnel to other cities. This proposal is inconsistent with other training record keeping requirements that allow centralized location of records.

Delta proposes the records be stored at the principal operations base and be available for inspection.

Detail:

The proposed requirement for training records has more detail than required for other training requirements. We do not see a purpose with the requirement to have a person designated by the "Director of Training" and an instructor sign a document that a person

has completed training. This seems redundant and we think the intent was to only need a qualified instructor's signature. Additionally, under §119 and §121 there is not a regulatory position of "Director of Training".

There are no training hours specified in this proposed regulation nor do we believe there should be. However the record requires the number of course hours. Typically the curriculum will be developed with respect to the responsibilities of the position. These responsibilities relate to tasks which the individual must demonstrate proficiency. With the individual required to demonstrate proficiency there is not a need to record course hours. If a self paced computer based training program is approved, course hours has no relevance to the training record.

The record requirements imply that the HAZMAT training record must be a separate entry in the records system. Some air carriers have incorporated HAZMAT training as part of the fleet common new hire curriculum and fleet common continuing qualification curriculum. As long as the individual has successfully completed the approved curriculum, then a separate record seems redundant. There should be allowance to keep the records system simplified and not begin to separately record each element of an individual's training.

The need to record the address of the name and business address of the organization or professional instructor who provided the training seems to be excessive. If a 121 air carrier used outside training services, this must be specifically approved by Operations Specifications. Otherwise training facilities/location are part of the normal training program approval process for any air carrier. Additionally employers must keep employee resident information for government tax purposes.

Delta proposes the following with respect to training records:

Within each individuals training record the air carrier must record the following:

- (1) A record indicating the completion of a curriculum for their current duty position which includes HAZMAT training appropriate for the individual's assigned duties;
- (2) The dates of each training course successfully completed for the preceding 3 years;
- (3) If applicable, instructor who performed the training

General comment:

Delta agrees with the overall intent of this NPRM. Our main concern is with respect to the training required for personnel who have limited responsibility for the HAZMAT process. As written, this NPRM looks to require any pilot, flight attendant or dispatcher with any responsibility for cargo during flight to have a complete training course in all aspects of the HAZMAT program. While this may not have been the intent, the final rule will need reflect with greater clarity the intent. If the intent was to now require a pilot, flight attendant or dispatcher to have detailed knowledge of the HAZMAT program since they have "responsibility of cargo during flight", then we respectfully disagree. Training and checking a person on skills they will not exercise during their normal job function

tends to be negative training. There is nothing wrong with an individual having an understanding of the overall process. However, the way this NPRM is written, it causes an individual to train beyond of what is required for their normal job function. In addition, the cost to do so is not justified by the resulting improvement in safety.

Delta Air Lines appreciates your consideration of these comments in reference to this NRPM.

Sincerely,

Joseph C. Kolshak
Senior Vice President - Flight Operations

JCK:CMS

cc: Robert E. Moore, Principal Operations Inspector - CMO-27